REMARKS

Initially, Applicant notes that the remarks and amendments presented in this response are consistent with those presented to the Examiner during the telephone call of March 26, 2008.

By this response, claim 1 has been amended, claim 48 has been added, and no claims have been canceled such that claims 1-13 and 48 now remain pending, and of which claims 1 and 46 are the only independent claims at issue.[1]

The Office Action, mailed January 23, 2008, considered and rejected claims 1-13. Claims 1-6 and 8-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wetzer et al (U.S. Publ. No. 2004/0162811) in view of Kocur (U.S. Patent No. 5,913,201). Claims 7 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wetzer in view of Kocur as applied to claim 1 above, and further in view of Crici et al (U.S. Publ. No. 2005/0027580).[2]

As recited in the claims, the present claims are generally directed to automatically scheduling appointments to do a particular job based upon attributes of the particular job, resource availability, and/or the flow and order of time frames for each service require to do the particular job. For instance, claim 1 recites a method for scheduling appointments to do a particular job. In the recited method, operator input is received specifying each service, a time dependency of each service needed to perform each job, and a resource dependency of each service needed to perform each job, wherein the time dependency comprises a length of time required to perform the service and related dependencies on other services and the resource dependency comprises an listing of the resources required to perform the service. Operator input specifying a time availability of each resource that can be used to perform each service needed to perform each job is received as well.

Before the appointment to do the particular job is actually scheduled, multiple proposals are created that specify when each job might be scheduled during a defined time period. The proposals are created as a function of the time availability of each resource that can be used to perform each service needed to perform each job and the time dependency of each service. Additionally, at least one resource and at least one service can be included in any number of the

---

[1] Support for the amendments and the new claim is found throughout the Specification and more particularly on pages 10 and 13 of the Application as originally filed.

[2] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

proposals at a same time of availability. Each proposal may also indicate a time instance at which each job can be initiated during the defined time period, wherein each job can be have multiple associated proposals. For example, a single resource can be identified by at least two different proposals, even if the proposals are associated with different jobs, even though such identification would create a conflict regarding the single time availability of the resource. This is allowed because the proposals need not require the resource until the proposal is actually selected for a job.

After the proposals are created, input is received specifying a desired time for starting the appointment to do the particular job. Based on the input, one of the proposals created prior to the input specifying a desired time for starting the appointment is automatically selected to make an appointment for doing the particular job. In other words, the proposals are created before the time requirements for selecting the proposal are identified.

The corresponding resources for the selected proposal are then associated with the appointment, which makes the resources unavailable for other proposals with overlapping resources. Accordingly, the identified set of the proposals remaining is then automatically revised in response to said one of the plurality of proposals being selected, including revising proposals for which resources are no longer available due to making the appointment for doing the particular job and eliminating any proposals from among the plurality of proposals for which proposals cannot be revised due to resources no longer being available.

The cited combination of Wetzer and Kocur fails to teach all of the elements recited in claim 1. For instance, claim 1 requires that a particular job have services associated with it, but the cited art only specifies tasks that have no associated services. Furthermore, the claims require that the services, time dependencies, and resources be determined in advance of receiving the time input, but the cited art of Wetzer teaches that the time specified for the tasks is received at the time the maintenance task database is established.

The presently claimed embodiments allow a user to select a proposal for a job based on time availability of the underlying resources associated with the service required to perform the job. A job is comprised of many different services. The disclosure of Wetzer, on the other hand, discloses only tasks that are planned for maintenance. Wetzer does not disclose anything underlying the tasks that are used for scheduling. Within the Office Action, the tasks of Wetzer are cited interchangeably as teaching both a service and a job. Applicant respectfully submits that such use is improper. For instance, in the rejection of elements (a) and (b), the Office

Action describes tasks as teaching elements related to the services. However, in the rejection of elements (d), (e), and (f), the Office Action claims that the tasks teach elements associated with the job. Wetzer discusses optimizing the plan by selecting the priority of tasks, but if a task corresponds to a service, as proposed in the rejection of element (a), then selecting a time to perform the task clearly does not teach receiving a desired time to for stating the appointment to do the job. Without clearly distinguishing services and jobs, Wetzer cannot teach the claim elements where such distinctions are present, and particularly where services are a subset of jobs as is reflected in the above claims. In other words, a task cannot teach both a service and a job inasmuch as the claims recite that a job includes multiple services.

Furthermore, because Wetzer is directed to a system for optimizing maintenance, repair, and overhaul (MRO) activities, the described maintenance task database contains information regarding when MRO activities must be performed. (See paragraph [0021]). The disclosure of Wetzer does not allow the selection of a time to start a job, but rather Wetzer requires that a task be performed during a specific time interval. Furthermore, the described selection of the time to perform the task as described in paragraph [0033] corresponds to making a selection with regard to a second task having an associated dependency. If the task is considered a job, then the task is not being selected base on the desired appointment time, as claimed, but rather is being selected based on a dependency of a related job.

With regard to the portion of the rejection based on Kocur, Applicant respectfully submits that Kocur fails to correct the deficiencies noted with regard to Wetzer. Furthermore, despite the Offices Action's assertion, Applicant submits that Kocur fails to teach or suggest that resources can be assigned to multiple proposals having the same time availability and that input is received specifying a desired start time.

While Kocur teaches that worker can be allocated to multiple work projects and that work-projects are divided among worker, Kocur does not teach that the workers (resources) can be assigned to multiple work projects (proposals) at the *same time availability*. Kocur has no reason to assign a worker to multiple work projects with the worker working at both projects at the same time. A worker cannot work two jobs at the same time, if Kocur were to assign such a situation, the system would not be very useful because the worker would miss one of the assignments. Furthermore, Kocur suffers from the same problem as Wetzer, if the work project is considered a proposal, then what constitutes a service? Each work project in Kocur has associated required resources, but not services requiring resources.

Finally, Kocur does not teach receiving a desired start time. The Office Action cites that the parameters ti1, ti2, tj1, and tj2 correspond to receiving a desired start time. Yet, the Office Action also states that the parameters correspond to resource availability. Assuming that the parameters do correspond to resource availability, then the parameters are received prior to creating the proposals, not after as claimed. If the parameters are instead received after the proposals are created, then they could not have been used to create the proposals, as claimed. Clearly, the parameters cannot teach both elements.
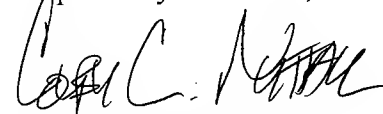
Finally, Applicants note that the only remaining reference, Crici, also fails to compensate for the inadequacies mentioned above with regard to Wetzer and Kocur. In fact, Crici was not cited for teaching any of the foregoing limitations. Instead, Crici was only cited for disclosing the time availability of resources and the times in which a resource is not available.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice.[3]

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 23rd day of April, 2008.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
COLBY C. NUTTALL
Registration No. 58,146
JOHN C. BACOCH
Registration No. 59,890
Attorneys for Applicant
Customer No. 47973

RDN:CCN:JCB:gd
MS 810-77 - DRAFT AMENDE AFTER NON-FINAL (OA DATED 23JAN08)

---

[3] Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise.